

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

IVIS L. WRIGHT

COMPLAINANT

V.

KENTUCKY-AMERICAN WATER COMPANY

DEFENDANT

CASE NO. 94-223

O R D E R

On June 2, 1994, Commission received a complaint from Ivis L. Wright against Kentucky-American Water Company ("Kentucky-American"). Pursuant to Commission regulation 807 KAR 5:001, Section 12(4)(a), a complaint will be processed only if it states a prima facie case. To constitute a prima facie case, the complaint must be supported by sufficient evidence to show that the complainant is entitled to the relief requested.

The complaint states that:

1. Kentucky-American failed to conduct a scheduled January 1994 meter reading at a residence owned by the complainant;
2. The next reading on April 5, 1994 revealed excessive water usage which was traced to a leak in the complainant's service line;
3. There were no visible signs of a water leak;
4. Had Kentucky-American read the meter as scheduled, the leak would have been detected in January 1994;

5. The complainant should not be held responsible for the April 1994 water bill in the amount of \$1,174.89 because it would have been significantly lower if the meter had been read in January 1994.

Based on a review of the complaint, the Commission finds it fails to state a prima facie case. The public utility law in Kentucky requires a customer to pay for all water that passes through its meter. Any leak that occurs in the service line is the sole responsibility of the customer, not Kentucky-American. Even assuming that Kentucky-American was negligent in not reading the meter earlier, such negligence does not relieve the customer of the obligation to pay for all water that passed through its meter.

The complainant should be granted 20 days to amend the complaint to state a prima facie case.

IT IS THEREFORE ORDERED that Ivis L. Wright shall have 20 days from the date of this Order to file an amended complaint setting forth a prima facie case. If the complaint is not so amended within such time or such extension of time as may be granted for good cause shown, the complaint shall be dismissed without further Order of the Commission.

Done at Frankfort, Kentucky, this 10th day of June, 1994.

ATTEST:

Don Mills
Executive Director

PUBLIC SERVICE COMMISSION

Barbara J. [Signature]
Chairman

Robert M. [Signature]
Vice Chairman

Linda K. Breathitt
Commissioner

Rebecca D.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 02 1994

PUBLIC SERVICE
COMMISSION

In the Matter of:

Rebecca D. Wright
(Your Full Name)

COMPLAINANT

VS.

Ky. American Water Co.
(Name of Utility)

DEFENDANT

94-223

C O M P L A I N T

The complaint of Rebecca D. Wright respectfully shows:
(Your Full Name)

(a) 1115 Wright
(Your Full Name)
516 South Upper St. Louisville
40203
(Your Address)

(b) Ky. American Water Co.
(Name of Utility)
1000 International St. Louisville
(Address of Utility)

(c) That: Water meter installed January 1994
(Describe here, attaching additional sheets if necessary, the specific act, fully and clearly, or facts

needed. Meter worked at that time. Contact
necessary, the specific act, fully and clearly, or facts

Replaced meter Feb 1994 at which time Re then
that are the reason and basis for the complaint.)

(We were told meter was bad) but we told

James A. Smith vs City of Louisville
(You) (Complainant) (Utility Name)

Page 2

The complaint is based upon the fact that the meter at the above named address is not metered for the quantity of water at the above named address. The meter is not metered for the quantity of water at the above named address. The meter is not metered for the quantity of water at the above named address.

Wherefore, the complainant asks that the meter be replaced
(Specifically state the relief desired.)

The meter is not metered for the quantity of water at the above named address. The meter is not metered for the quantity of water at the above named address. The meter is not metered for the quantity of water at the above named address.

Dated at Louisville, Kentucky, this 10 day
(Your City)

of May, 1994.
(Month)

(Signature)

James A. Smith
(Your Signature)

(Name and address of attorney, if any)

004362

3800509006305000000000117489007



KENTUCKY - AMERICAN
WATER COMPANY
2300 RICHMOND ROAD
LEXINGTON, KY 40502

WRIGHT IVIS REAL EST
PO BOX 54767
LEXINGTON KY 40555-4767



PLEASE MAKE CHECKS PAYABLE TO ►
AND INDICATE ACCOUNT NO. ON CHECK

KAWC

SERVICE ADDRESS:
518 S UPPER ST

☐ CHECK TO REQUEST RATE SCHEDULE
CHECK HERE IF ADDRESS OR TELEPHONE
NUMBER HAS CHANGED SEE REVERSE SIDE

ACCOUNT NUMBER

380-05090063-05

AMOUNT DUE ► \$1,174.89

DUE DATE ► 04-21-94

INDICATE

AMOUNT

PAID

KY-AMERICAN WATER CO.
P.O. BOX 75159
BALTIMORE MD 21275-0159



RETURN THIS PORTION WITH PAYMENT

**MASTERS'
SUPPLY, INC.**

STREET ADDRESS
CITY
STATE
ZIP
PHONE
HOURS: MONDAY THROUGH FRIDAY - 7:30 A.M. - 4:30 P.M. EXCEPT HOLIDAYS

CUSTOMER NO.	CONTRACT NUMBER	YOUR P.O. NO.	SLIP	ENTER DATE	INVOICE NUMBER	INVOICE DATE	AS OF	
TERMS			SHIPPED VIA		SPECIAL INFORMATION			OUR ORDER

MASTERS - LOUISVILLE WILL BE OPEN ON SATURDAYS BEGINNING
APRIL 16TH - TIME 7:30 A.M. - 12:00 P.M.
WILL CALL SERVICE ONLY

*OK #493
L*

Thank You

STATE TAX

Claims for shortages must be made within 10 days from receipt of goods. No credit will be issued until material returned 30 days after date of purchase. No credit will be allowed for returns without our approval when orders have been filled correctly. All returns must include our invoice number and date. A minimum 15% restocking charge plus freight charges are applied to returns. See reverse for information on service charges and warranties.

INVOICE

SOLD TO ADDRESS <u>Luis Wright</u> CITY, STATE, ZIP <u>318 S Leppick St</u> <u>Lex Ky 40515</u>		SOLD TO ADDRESS <u>Scott McDaniel</u> CITY, STATE, ZIP <u>1488 Deer Lake Dr</u> <u>Lexington, Ky 40515</u>	
CUSTOMER ORDER NO.	SALESMAN	TERMS	DATE

ORDERED	SHIPPED	DESCRIPTION	PRICE	UNIT	AMOUNT
		fixing water leak			
		4 hrs 1 man			\$170.00
		material Pl Cook			60.00
		Accepted by [Signature]			
		Total Bill 4/25/94			180.00

Permit No. 271991
 Plumbing Contractor Scott McDaniel
 Location 318 South Leppick

Approved

THIS PLUMBING INSTALLATION HAS BEEN INSPECTED AND
 APPROVED BY [Signature] TEST

Plumbing Inspector

Dept. of Housing
 Division of Plumbing
 Frankfort, Ky.

PLBG 19 (Rev. 6/78)